

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CARMEN COMSTOCK

PLAINTIFF

v.

CIVIL NO. 05-5088

JO ANNE B. BARNHART, Commissioner
Social Security Administration

DEFENDANT

AMENDED JUDGMENT

The Judgment (Doc. 5) previously entered on this date erroneously stated that the Court was affirming the decision of the Administrative Law Judge. Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, the Court hereby enters this Amended Judgment to correct this clerical error:

Now on this 12th day of July 2006, comes on for consideration the Report and Recommendation dated June 22, 2006, by the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas. Ten (10) days have passed without objections being filed by the parties. The Court has reviewed this case, and being well and sufficiently advised, finds that the Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court hereby adopts the Report and Recommendation; reverses the decision of the Commissioner; and remands this case to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

If plaintiff wishes to request an award of attorney's fees and cost under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable" i.e., 30 days after the 60-day time for appeal has ended. *See*

Shalala v. Schaefer, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED.

HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE